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| 10/559,408 | 12/05/2005 | Krzysztof D. Malowaniec | 1703 1489US | 7186 |

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POSTFACH 10 37 62
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GERMANY

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| EXAMINER |
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KIDWELL, MICHELE M

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| ART UNIT | PAPER NUMBER |
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3761

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01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,408

Applicant(s)

MALOWANIEC, KRZYSZTOF D.

Examiner

Michele Kidwell

Art Unit

3761

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 – 19, 22 and 24 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganathan et al. (US 2003/0119394) in view of Nakamura (WO 99/38541).

With reference to claims 16 and 17, Ranganathan et al. (hereinafter “Ranganathan”) discloses a suction body component comprising a carrier material and a particulate polymer material comprising a plurality of super-absorbing polymer particles and a coating deposited on individual outer surfaces of individual super-absorbing polymer particles to coat the individual polymer articles as set forth in [0040]. The coating includes a cellulose material from the listed group as set forth in [0012].

The difference between Ranganathan and claim 16 is the provision that the coating includes a skin care product.

Nakamura teaches a superabsorbent coated with an antimicrobial material as set forth on page 15, lines 17 - 34.

It would have been obvious to one of ordinary skill in the art to provide the antimicrobial material of Nakamura with the coating of Ranganathan because the

antimicrobial material reduces skin irritations as taught by Nakamura on page 2, lines 1 - 11 which supports the intent of Ranganathan as set forth in col. 2, lines 1 - 5.

As to claim 18, Nakamura teaches the claimed amount of skin care product on page 16, lines 17 – 18.

With reference to claim 19, see Nakamura, page 16, lines 21 – 22.

As to claim 22, Nakamura discloses a skin care product that comprises an organic acid as set forth on page 12, line 25 to page 13, line 29.

Regarding claim 24, Ranganathan discloses a carrier material comprising cellulose fibers as set forth in [0042].

As to claims 25 and 26, Ranganathan discloses the carrier material forming a matrix and the particulate super-absorbing particles being homogenously bound in the carrier material or sections thereof over a large surface to form a layer as set forth in [0044 - 0045].

Regarding claims 27 – 28, see Ranganathan, [0010].

As to claims 29 and 30, see the rejection of claim 16. The applicant is reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganathan et al. (US 2003/0119394) in view of Nakamura (WO 99/38541) and further in view of Everhart et al. (US 2003/0120225 A1).

The difference between Ranganathan in view of Nakamura and claim 20 is the provision that the skin care product comprises a vitamin.

Everhart et al. (hereinafter "Everhart") teaches a suction body component including a vitamin as set forth on page 6, [0055].

It would have been obvious to one of ordinary skill in the art to modify the article of Ranganathan in view of Nakamura to include a vitamin because the use of such is therapeutic and beneficial to the skin as taught by Everhart on page 6, [0055].

Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganathan et al. (US 2003/0119394) in view of Nakamura (WO 99/38541) and further in view of Carlucci (EP 1 250 940 A1).

The difference between Ranganathan in view of Nakamura and claim 21 is the provision that the skin care product comprises a plant component, a plant extract, plant oil or plant distillate.

Carlucci teaches a suction body including a plant component, a plant extract, plant oil or plant distillate as set forth on page 13, [0086].

It would have been obvious to one of ordinary skill in the art to modify the article of Ranganathan in view of Nakamura to include a plant component, a plant extract, plant oil or plant distillate because the use of such promotes skin health by stimulating the central nervous system through a freshness/cooling sensation as taught by Carlucci on page 5, [0041].

The difference between Ranganathan in view of Nakamura and claim 23 is the provision that the skin care product comprises an amino acid

Carlucci teaches a suction body including an amino acid as set forth on page 6, [0048].

It would have been obvious to one of ordinary skill in the art to modify the article of Ranganathan in view of Nakamura to include an amino acid because the use of such promotes skin health by stimulating the central nervous system through a freshness/cooling sensation as taught by Carlucci on page 5, [0041].

Response to Arguments

Applicant's arguments with respect to claims 16 – 30 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michele Kidwell
Primary Examiner
Art Unit 3761